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ABSTRACT

The comprehensive educational policies adopted and incorporated into law by the Navajo Tribal Council are contained in this booklet. These policies, adopted during a special session of the Navajo Tribal Council (November 13-16, 1984), are broad statements of the educational needs and aspirations of the Navajo people. The mission statement defines appropriate education as one that fosters: competency in all basic areas of academic and cognitive skills, English and Navajo language skills and knowledge of American and Navajo culture, Navajo and United States citizenship, self-discipline and a positive self-concept, preparation for lifetime responsibilities, and a positive attitude towards education. Sections outline the Tribe's responsibility and authority; the educational agency; school boards; parental involvement; Navajo and Indian preferences; educational standards and the curriculum (including Navajo language, culture and social studies); and professional training for educators. Program policies for special education and education of gifted, talented and highly motivated students, as well as student services (counseling, substance and alcohol abuse guidance programs, bus routes and transportation) are also included. School operations and facilities are addressed, along with post-secondary education (the Navajo Community College), adult and early childhood education programs, vocational and career education, and handicapped programs. Definitions of terms are appended. (JMM)

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EDUCATION POLICIES

RC015428

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Navajo Tribal Council

David J. Tsosie ..... Chairman

Jim Sam ..... Vice-Chairman

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Richard K. Begay ..... Member

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(Mrs.) Mary Helen Creamer,
Executive Director
The Navajo Division of Education
Window Rock, Arizona 86515

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NAVAJO TRIBAL EDUCATION POLICIES

Approved: November 14, 1984
NAVAJO TRIBAL COUNCIL

Approved: January 4, 1985
NAVAJO AREA DIRECTOR
BUREAU OF INDIAN AFFAIRS

THE NAVAJO NATION
WINDOW ROCK, ARIZONA

EDUCATION COMMITTEE MEMBERS

Navajo Tribal Council

David J. Tsosie ..... Chairman

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Richard K. Begay ..... Member

Frank Bradley ..... Member

James Nahkai ..... Member

(Mrs.) Mary Helen Creamer,
Executive Director
The Navajo Division of Education
Window Rock, Arizona 86515

PROCLAMATION

WHEREAS, it is appropriate to observe the "Navajo Education Awareness Week" as proclaimed by the Chairman and Vice-Chairman of the Navajo Tribal Council; and

WHEREAS, the current Tribal administration has established education as the number one priority, and this recognition has renewed interest and enthusiasm in the educational process from pre-school through adulthood; and

WHEREAS, it is just and proper that we recognize all educators, past and present, who have given of their time and have made personal sacrifices in order to teach Navajo children so that they may be self-sufficient in our modern world; and

WHEREAS, we take this special occasion to salute all those who, through their unselfish commitment, are providing educational services to our Navajo students to insure equality for the Navajo people.

NOW THEREFORE, be it proclaimed that all citizens of the Navajo Nation join the Navajo Tribal Leadership in reflecting on the contributions educators on Navajoland have made to the Navajo people in the past, and will make for generations to come; and to express appreciation for the dedication and diligent services that have been given by these educators of the Navajo people now and forever.

In witness whereof, we have hereunto set our hands this 26th day of October, 1984.

EDUCATION COMMITTEE OF THE NAVAJO TRIBAL COUNCIL:

David J. Sosie, Chairman
Education Committee

Richard K. Begay, Member
Education Committee

Jim Sam, Vice-Chairman
Education Committee

Frank W. Bradley, Member
Education Committee

Thomas F. Atcitty, Member
Education Committee

James T. Nahkai, Sr., Member
Education Committee

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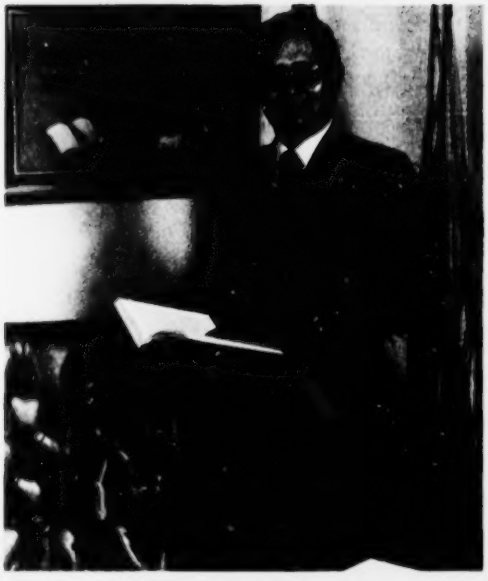
PETERSON ZAH
CHAIRMAN, NAVAJO NATION,
WINDOW ROCK, ARIZONA



EDWARD T. BEGAY
VICE CHAIRMAN, NAVAJO NATION,
WINDOW ROCK, ARIZONA

THE NAVAJO NATION
WINDOW ROCK, NAVAJO NATION (ARIZONA) 86515

PETERSON ZAH
CHAIRMAN, NAVAJO TRIBAL COUNCIL

EDWARD T. BEGAY
VICE CHAIRMAN, NAVAJO TRIBAL COUNCIL

Message from the Chairman of the Navajo Nation

The document you are now reading contains the fundamental education laws of the Navajo Nation. These laws establish the educational policies which the Navajo People, through their elected representatives in the Navajo Tribal Council, have said they want applied to their education and the education of their children.

Please read these education policies with care and attention. They have been developed through a long and comprehensive process, involving educators from across the Navajo Nation. They provide the broad guidelines within which education programs should be developed in all the schools serving the Navajo Nation, public, private, BIA and community controlled. They establish goals for the education of adults in college, vocational, and basic skills programs. They provide for the special needs of handicapped and gifted students. They set goals for education of young children. They make specific provision for education in Navajo language, culture, social studies.

The Navajo Nation has a commitment to excellence in education for all its people. We believe that excellence can best be achieved in an environment where people work together, sharing resources and expertise across the various school systems operating in the Navajo Nation. We believe that an excellent education can produce achievement in the basic academic skills and skills required by modern technology and still educate young Navajo citizens in their language, history, government and culture.

The development of a comprehensive education code represents an important step toward self-determination by the Navajo Nation. I hope that all of you reading this document will work with us in bringing to reality the high aspirations that the Navajo People have for education.

INTRODUCTION

This booklet contains the comprehensive educational policies adopted and incorporated into law by the Navajo Tribal Council. The policies were adopted during a Special Session of the Navajo Tribal Council held from November 13-16, 1984 to consider the education concerns of the Navajo people.

These policies are broad statements of the educational needs and aspirations of the Navajo people. They are intended to apply to all schools and educational programs serving the Navajo Nation to the fullest extent of Navajo Tribal jurisdiction. They must, therefore, interface with the other jurisdictional requirements of these schools that arise from State and Federal laws. For this reason the policies state "WHAT" is needed to improve Navajo education. They leave the question of "HOW" to the later phase of policy implementation. "HOW" may be different for different kinds of schools. "HOW" on the Reservation may be different from "HOW" near the Reservation.

In the coming months and years the Navajo Tribe will work with the schools, school districts, school systems and governments involved in Navajo education to develop implementation programs appropriate to the different entities involved. This will be a cooperative effort aimed at improving the education available to the Navajo people and making it more responsive to their linguistic, cultural and developmental needs.

The Navajo Tribe embarked upon the policy development process to respond to the frequently-stated need for clear statements of the Tribe's educational policies. The most comprehensive prior statement of educational policy contained in the Navajo Tribal Code had been adopted in 1961, 23 years ago. It did not respond to the current realities of Navajo education. Laws enacted since that policy, particularly federal laws, had greatly increased the opportunities for Indian tribes, local Indian school boards, Indian education committees and Indian parents to establish educational policies and apply them to schools within the BIA system and the state public school systems. Federal laws such as the P.L. 93-638, 95-561, and 98-511 have provided for community controlled schools, for tribal educational standards, for participation in planning education programs in public schools, for decision-making authority in the local school boards of BIA schools. None of these changes were adequately reflected in the Navajo Tribe's education laws.

In approaching the policy development process, the first step was to find out what parents, community members, educators, school administrators and other professionals believed was needed. To learn this, the

Navajo Division of Education and the Education Committee of the Navajo Tribal Council conducted public hearings in February and March of 1984. These hearings have been summerized in a booklet published by the Navajo Division of Education entitled *Navajo Division of Education Policy Hearings.*

The statements and recommendations derived from these hearings were compiled with the reports of earlier Navajo educational policy hearings conducted in the mid 1970's, an earlier proposed Navajo Comprehensive Education Plan, statements of position made by the Chairman Peterson Zah and Vice-Chairman Edward T. Begay, and statements and resolutions from the first annual Navajo Education Leadership Conference. Federal, state and tribal mandates were reviewed. Existing provisions of the Navajo Tribal Code were analyzed. From all these sources areas were identified, where a statement of educational policy from the Navajo Tribe was needed. Attention was given as well to the kinds of statements that were needed in each policy area.

A Policy Planning Group was established within the Navajo Division of Education to begin the work of drafting the desired educational policies. This planning group later came to include representatives of other affected Divisions of the Tribal government and the Navajo Community College. The draft policies were subjected to review by the Navajo Division of Justice, the Chairman's Office, and by the Education Committee. Then they were released for public review and comment.

Throughout the summer of 1984, the Policy Planning Group and staff of the Division of Education conducted hearings and workshops throughout the Navajo Nation. Workshops were conducted for public school representatives, mission and private school representatives, BIA school administrators, representatives of local Navajo school boards, contract school representatives of local Navajo school boards, meetings were conducted with representatives of the state departments of education. As a result of these workshops, recommendations for further revision were made.

In the fall of 1984, Tribal Chairman Peterson Zah called for a special session of the Navajo Tribal Council to consider the education policies and other education matters. The Chairman called for the participation of the entire education community in the final review of the education policies and in activities marking Navajo Education Awareness Week. As a consequence, a Policy Review Committee composed of representatives from BIA, public, contract and mission schools, from local community colleges and from other affected Tribal divisions were appointed. This Review Committee made the final revisions of the education policies before their submission to the Navajo Tribal Council. The policies were

then given a final review by the Justice Division and technical language to conform the existing Tribal Code provisions to the new policies was drafted and approved.

The education policies were considered by the Navajo Tribal Council at a historic special council session held from November 13 through 16, 1984. The policies were unanimously adopted by the Council.

An important feature of this process of developing and adopting education policies is that the Navajo Tribe involved a broad spectrum of educators, school board members, community representatives and others concerned with Navajo education from the beginning of the project until the final adoption of the policies. As a result, support for the effort grew stronger and more effective through the process. By the time the policies were considered by the Navajo Tribal Council they had received endorsement from the Navajo Area School Board Association, the Navajo Nation council on the Handicapped, Window Rock Public School District, and had received supportive comments, letters and resolutions from other school boards, state and federal governmental representatives, contract school representatives, chapter representatives and the Navajo public. A growing movement of concern was evident as the policy-making process unfolded.

The task at hand now is to take that concern which was awakened by this process and transform it into a commitment on the part of the Navajo People and the educators and administrators involved in educating the Navajo People to bring about the changes and improvements in education which the policies call for. The next few years will be critical for bringing to reality the programmatic reforms and improvements called for by the Navajo Education Policies. This effort will require the cooperation of all those who have an impact on Navajo education - from the members of Congress who pass education laws and appropriations, to state legislators and education officials, to local educators and school board members, to individual students and Navajo parents. The Navajo Tribe will also be called upon for growing involvement in the education programs serving Navajo people.

There is a unique opportunity for growth and renewal in Navajo education. This opportunity places upon everyone involved the obligation to put forth a real effort to bring about positive change. Working together, we can make a difference.

Mission Statement

1. The human resource of the Navajo Nation is its most valuable resource. The Navajo Tribe, as a sovereign nation, has a responsibility to its people to oversee their education in whatever schools or school systems they are being educated, to assure that their education provides excellence in the academic program and high, realistic expectations for all students. An appropriate education for Navajo people is one that fosters:

A. the formulation of age, grade and/or developmentally appropriate competencies in all basic areas of academic and cognitive skills;

B. competence in English language skills and knowledge of American culture;

C. competence in Navajo language skills and knowledge of Navajo culture;

D. the development of Navajo and United State citizenship;

E. self-discipline and a positive self-concept;

F. preparation for lifetime responsibilities in the areas of employment, family life, recreation and use of leisure; and

G. an attitude toward education which encourages lifetime learning.

Responsibility and Authority of the Navajo Tribe

1. The Navajo Tribe has an inherent right to exercise its responsibility to the Navajo people for their education by prescribing and implementing educational policies applicable to all schools within the Navajo Nation and all educational programs receiving significant funding for the education of Navajo youth or adults. At the same time, the Navajo Tribe recognizes the legitimate authority of the actual education provider, whether state, federal, community controlled or private. The Navajo Tribe commits itself whenever possible to work cooperatively with all education providers serving Navajo youth or adults or with responsibilities for serving Navajo students to assure the achievement of the educational goals of the Navajo Nation established through these policies and in other applicable Navajo Tribal laws.

2. The laws and policies of the Navajo Nation are applicable to the maximum extent of the jurisdiction of the Navajo Nation in the operation of all local schools.

3. The Navajo Nation specifically claims for its people and relies upon the responsibility of the government of the United States to provide for the education of the Navajo people, based upon the Treaty of 1868 and the trust responsibility of the federal government toward Indian tribes. The Navajo people also claim and rely upon their rights as citizens of the states within which they reside to a non-discriminatory public education. In exercising its responsibility and authority for the education of the Navajo people, the Navajo Tribe does not sanction or bring about any abrogation of the rights of the Navajo Nation or the Navajo people based upon treaty, trust or citizenship, nor does it diminish the obligation of the fedral government or of any state or local political subdivision of a state.

Educational Agency of Navajo Tribe

1. The Navajo Division of Education is the administrative agency within the Navajo Tribal Government with responsibility and authority for implementing and enforcing the educational laws of the Navajo Nation and exercises to the extent permitted by law and agreement, functions comparable to the departments of education of the several states in regard to the schools within the Navajo Nation and other schools and educational programs serving significant numbers of Navajo youth and adults. In exercising its responsibilities the Division shall seek to work cooperatively with local school governing boards.

2. A. The Division of Education is under the immediate direction of an Executive Director, subject to the overall direction of the Chairman of the Navajo Tribal Council. In carrying out its responsibilities the Division, through the Executive Director, is authorized and directed to:

(1) establish cooperative arrangements with other divisions and programs within the Navajo Tribal Government and with education organizations and entities;

(2) negotiate cooperative arrangements and intergovernmental agreements with local, state and federal agencies and governmental bodies subject, where required, to the approval of the appropriate Navajo tribal governing authority;

(3) inquire into the educational situation of Navajo students in any school or educational program located within the Navajo Nation or receiving program funds for the education of Navajo youth or adults;

(4) determine the impact of educational programs on Navajo students by inquiring into areas of concern such as achievement data, test results, budgets, language proficiency, special educational programs, supplemental programs, staffing, social and economic variables, curriculum, health and safety, adequacy of facilities, and other areas of inquiry relevant to the educational situation of Navajo students;

(5) comply with Federal and, where appropriate, state requirements regarding confidentiality of records;

(6) report the results of its inquiries to the Education Committee of the Navajo Tribal Council and to the school boards, communities and other entities serving the Navajo Nation affected by the subject matter of these inquiries;

(7) make recommendations in its reports for the improvement of Navajo education; and

(8) report at least annually to the Navajo Tribal Council on the state of Navajo education.

The authority to make inquiries granted to the Division in this subsection extends to all affected school sites and all appropriate records.

B. The Navajo Division of Education shall be available to work with schools, school districts, school governing boards, local communities and other appropriate entities to develop plans for the implementation of Navajo educational policies, to coordinate utilization of available resources and to assist in the development of new resources. The Division shall assure that its staff have and receive appropriate professional training in order to keep informed of current educational methodologies and techniques.

3. The Education Committee of the Navajo Tribal Council has oversight responsibility for the Navajo Division of Education and for the implementation of education legislation. The Committee exercises such powers and responsibilities over Navajo education as are prescribed by its plan of operation and in other tribal laws. The Education Committee exercises oversight responsibility regarding the recruitment and operation of post-secondary education programs within the Navajo Nation.

4. The Navajo Division of Education is subject to and carries out laws adopted by the Navajo Tribal Council.

School Boards -- Local Control of Schools

1. The Navajo Nation encourages and supports local control of Navajo education. Administration of a local school shall be under the guidance and direction of the local governing board.

2. All local school boards operating schools within the Navajo Nation are subject to its educational laws to the full extent of the jurisdiction of the Navajo Nation. Local school boards are responsible for assuring the implementation of the Navajo educational policies at the local level. In addition, local school boards are responsible for establishing local educational policies and priorities.

3. In administering the schools under their charge, local school boards shall give timely notice of their meetings and conduct their meetings at times and places convenient to the public, especially parents, and shall carry out their deliberations and decision making in open meetings, except in such cases as disciplinary matters, individual personnel matters and discussion of litigation, where the need for privacy clearly outweighs the public's right to know.

4. School boards shall develop written policies regarding school governance, personnel matters, staff conduct, student conduct, parental involvement, residential policies, graduation requirements, academic policies and related topics, and shall assure that these policies are communicated to administration, staff, students and parents. School board policies shall be implemented in a consistent and impartial manner.

Parental Involvement

1. Local schools shall encourage participation by parents of students in their school programs. Parents should be involved in planning, developing and evaluating educational programs, developing curriculum and school activities. Appropriate procedures shall be developed by each local school to facilitate parental involvement and to assist parents in inquiring and learning about the education their children are receiving.

2. Educational aspirations and cultural values of Navajo parents should be respected in the development of policies and programs within each school.

3. Parental involvement in education includes the right of parents to choose the type of school and educational program in which their minor children shall be educated. Choices of day or residential

attendance and of federal, state, community controlled or private school are appropriate parental options which should be limited only by the most compelling governmental purposes. Parental action or inaction in regard to the education of children which endangers or disregards the welfare of those children is not protected by this section. This subsection shall not justify any parent in disregarding laws concerning compulsory attendance, or school transfer.

4. Parents have a responsibility to support the educational efforts of the local schools, to assure the regular attendance of their children in school, and to exercise supervision and guidance over their children.

Navajo Preference and Indian Preference

1. The ultimate goal of the Navajo Nation is self-determination. In order to assure the survival and growth of the Navajo Nation as a people of distinct language and culture and with a domestic economic base, the Navajo Nation requires Navajo preference in employment of school and education personnel in all schools within the Navajo Nation. In addition, whenever application of the Navajo preference policy does not result in the selection of a Navajo applicant or candidate, a policy of Indian preference shall be applied to the remaining applicants or candidates. Local school governing boards and education administrators responsible for hiring shall comply with the requirements of this policy in regard to the recruitment, employment, promotion and retention of all personnel.

2. All schools and school systems operating within the Navajo Nation shall seek the professional services of competent Navajo educators, counselors, administrators and support personnel to adequately serve the linguistically and culturally unique children of the Navajo People. In addition, all affected schools shall seek to obtain specialized training opportunities for staff serving particular functions. In seeking educational and support personnel, schools and school districts shall include within the position description, as a preferred qualification, a knowledge of and familiarity with the Navajo language, culture and people.

3. The local governing board of a school or school district may waive the requirements of this section by a formal vote of the board. Such waiver may apply only to individual employment, retention or promotion decision, as determined by the board on a case-by-case basis. In each case where a waiver of Navajo preference-based hiring, retention or promotion occurs, the local governing board shall make a written record of the occurence for inclusion in the official minutes of the board.

Education Standards

1. The Navajo Tribe shall identify the need for appropriate educational standards in various subject areas and shall develop educational standards to assure the provision of a high quality education for Navajo students in all schools serving the Navajo Nation. These standards shall in no way limit the freedom of local school systems to exceed these requirements.

2. The Navajo Division of Education shall coordinate with other governmental entities and education providers in designing and implementing educational standards appropriate to the various schools and school systems. The Division shall consider the requirements of applicable state and federal laws and the concerns of education managers, parents, community members, and teachers in the development of educational standards. Navajo educational standards shall avoid actual conflict with the requirements of state, federal or private accrediting entities with jurisdiction over the schools unless those external requirements conflict with an identified educational or governmental requirement of the Navajo Nation, or unless such conflict is permitted by the external law.

3. In implementing this policy, the Navajo Division of Education shall act with the approval of the Education Committee of the Navajo Tribal Council to establish a procedure to adopt proposed standards and/or amend existing standards and present subsequent proposed resolutions to the Navajo Tribal Council.

Curriculum

1. Each school serving the Navajo Nation shall have a written, congruent curriculum which contains clearly articulated instructional goals and objectives. The curriculum of each school shall be based on the needs of the students served. The culture, values and individual interests of the Navajo students shall be recognized and integrated into all curricula. The curriculum should provide all students with opportunities to broaden their interests and career objectives and promote personal and intellectual growth appropriate to their individual differences.

2. The instructional program shall reflect the special needs of these students and yet be flexible enough to allow any modifications necessary to accommodate the needs of students to aquire full knowledge of basic skills, including but not limited to science, computer science, mathematics, social studies, reading, writing, language skills and cognitive skills. Special programs shall be available for the gifted and handicapped students and for students requiring remedial instruction.

3. The use of curriculum committees is encouraged at all levels of schools to review the validity and relevance of curricula. Curriculum content shall be reviewed on a periodic basis. The review should utilize student assessments, standardized test scores, student progress reports, and school evaluation reports. Each school shall involve the staff, parents and community in program planning, provide inservice training in curriculum development and implement a curriculum improvement approach. Any new curriculum or educational program shall be structured to meet the needs of the specific school and shall be adopted by the governing board of the school.

4. Career education shall be integrated into the basic curriculum from the pre-school level to establish a working relationship between what is needed on the job and in professional occupations. At the secondary, vocational and post-secondary levels, the curriculum should incorporate into the basic program career exploration, career guidance, awareness of vocational and educational opportunities and occupational skills.

Education in Navajo Language

The Navajo language is an essential element of the life, culture and identity of the Navajo people. The Navajo Nation recognizes the importance of preserving and perpetuating that language for the survival of the Nation. Instruction in the Navajo language shall be made available for all grade levels in all schools serving the Navajo Nation. Navajo language instruction shall include to the greatest extent practicable: thinking, speaking, comprehension, reading and writing skills and study of the formal grammar of the language.

Education in Navajo Culture and Social Studies

The survival of the Navajo Nation as a unique group of people growing and developing socially, educationally, economically and politically within the larger American Nation requires that the Navajo People and those who reside with the Navajo People retain and/or develop an understanding, knowledge and respect for Navajo culture, history, civics and social studies. Courses or course contents which develops knowledge, understanding and respect for Navajo culture, history, civics and social studies shall be included in the curriculum of every school serving the Navajo Nation. The local school governing board, in consultation with parents, students and the local community, shall determine the appropriate course content for the Navajo culture component of the curriculum.

Professional Training for Educators

1. Recruitment: It is the responsibility of the local schools and school districts serving the Navajo Nation to employ professional Navajo educators, to recruit those who are most qualified and competent to work with the Navajo student population, and to create incentives to improve staff performance. Local school boards and administrtors shall take leadership to provide professional training opportunities for their personnel and to encourage and provide both opportunities and guidance for those individuals who desire to advance themselves in the education field, obtain or expand their professional certification, or obtain training

in their specialized areas. Staff development shall include both certified and non-certified personnel. Educators of Navajo children have the responsibility to upgrade their teaching and administrative skills to maintain relevant, coherent instructional techniques at all levels of formal education.

2. All schools and school districts serving the Navajo Nation shall develop appropriate Navajo culture awareness and sensitivity programs as an integral part of their inservice training programs for all personnel. The Navajo Nation through its Education Committee shall establish general guidelines for the implementation of these programs.

Special Education

1. Local schools and educational programs serving the Navajo Nation shall assure that handicapped and gifted Navajo students receive educational and support services and resources that are adequate to meet their special educational needs and that are both appropriate and nondiscriminatory in terms of Navajo language, learning styles and culture. The Navajo Tribe supports the essential policies made explicit within the Education for All Handicapped Act concerning the provision of a free, appropriate public education in the least restrictive environment and the procedural rights and safegaurds afforded to the handicapped students and their parents. No school or educational program shall discriminate against any student or applicant for services on the basis of handicap.

2. The Navajo Tribe shall coordinate with other agencies to provide personnel preparation services for special education and related service needs to increase the availability of qualified Navajo special education personnel.

Education of Navajo Gifted, Talented and Highly Motivated Students

All local schools serving the Navajo Nation shall identify the strengths of gifted, talented and highly motivated students and shall provide appropriate educational planning which will challenge and nurture each student's level of development to its highest potential.

Students shall be provided an opportunity to work at their appropriate developmental level of ability rather than being limited to a normative level.

Student Counseling Services

All schools serving the Navajo Nation shall maintain competent, appropriately staffed counseling programs. Counseling staff shall have an awareness of Navajo culture and tradition, particularly as these relate to the individual needs and life circumstances of the students. The counseling program shall be concerned with the physical, cultural, intellectual, vocational and emotional growth of each student.

Student Code

Under the guidance of the local school boards, parent committees and parents, a written code of student conduct, rights and responsibilities shall be developed and maintained by each school serving the Navajo Nation. School disciplinary procedures should be corrective, based upon a disciplinary action plan incorporated into the code of student conduct. The disciplinary action plan should provide for notification and involvement of parents from the earliest stages of the disciplinary process. Each school governing board shall determine the appropriateness of corporal punishment in its disciplinary programs.

School Attendance

1. Every person who has a Navajo child or Navajo children under his or her care between the ages of five and eighteen years shall assure the attendance of the child or children in school. For purposes of this section, a child shall be deemed to be 5 years old only if he or she has a fifth birthday prior to September first of the school year to which this policy is applied. This policy applies to attendance by children who have not yet graduated from high school. Local school governing boards shall develop programs to improve regular school attendance in compliance with this policy.

2. Any adult residing in the Navajo Nation who violates the provisions of this section shall be subject to the penalties prescribed in 17 NTC §§ 222, and 223 for petty misdemeanors. Any Navajo minor

residing in the Navajo Nation who violates the provisions of this section shall be subject to the jurisdiction of the Juvenile Courts of the Navajo Nation.

3. The Education Committee of the Navajo Tribal Council shall develop regulations and procedures to enforce the compulsory attendance laws. The Navajo Division of Education shall work with appropriate agencies within the Navajo Tribal Government, school boards, schools, school districts, chapters, parent committees and state and federal governmental entities to develop appropriate and innovative measures and educational programs to decrease the dropout rate, reduce absenteeism and to meet the educational needs of students who have been unable to function effectively in the regular school setting.

4. The Navajo Tribe discourages transfers from one school to another, particularly transfers which occur during the school year and jeopardize the student's academic progress. The Navajo Division of Education is directed to work cooperatively with all schools and school systems serving Navajo students to develop procedures to minimize excessive and inappropriate student movement between schools.

Substance and Alcohol Abuse

Navajo Tribal law prohibits the possession or consumption of drugs and alcoholic beverages on the Reservation. (17 NTC §§ 390-395, §§ 410-412.) All local schools shall discourage the utilization and consumption of drugs and alcoholic beverages through relevant academic or preventive guidance programs for all Navajo youth. Schools along with other community resources shall encourage positive self-concept, provide factual information and encourage personal responsibility. Schools shall work with other community service providers to seek and develop programs and resources to assist students addicted to the use of alcohol and other mind-altering substances so that they may fully participate in the school program.

Bus Routes and Transportation

Adequate bus transportation is of vital importance to the Navajo Nation to improve school attendance and increase the day

attendance opportunities for Navajo students. Adequate bus transporation systems for students shall be established to ensure safe transport of Navajo students to and from school. Local school board policy governing the transportation of pupils shall meet or exceed all applicable state and federal safety regulations. The Navajo Tribe, through the Education Committee and the Tribal Roads and Transportation Committee, shall work in a joint and cooperative effort with the states in which the Navajo Nation is located and the Bureau of Indian Affairs to adopt adequate school bus routes, to avoid excessively long bus travel and to develop a comprehensive school transportation plan. The Tribal government may enter into agreements with the federal government, states, counties, local schools and school districts within and bordering the reservation to implement school transporation plans. In apportioning funds for road construction and maintenance, the tribal, federal, state and local (county) government shall consider school transporation needs for day attendance as a priority consideration. This section shall not justify the closure of any school nor the denial of day attendance opportunities to students within a school's day attendance area.

School Facilities and Operations

1. All educational programs located within the Navajo Nation or serving significant numbers of Navajo students shall be housed in facilities that are accessible, appropriate to the purposes for which they are used, and maintained in good repair. The Bureau of Indian Affairs is responsible either directly or through contract to maintain in good repair all educational facilities owned or operated by the Bureau or operated with funding from the Bureau. This subsection shall not be interpreted to justify the closure of any school facility in a manner contrary to the provisions of subsection "2" of this policy or in violation of any tribal, state or federal law regarding school closures.

2. The Navajo Division of Education shall establish joint planning efforts with schools and school systems in the Navajo Nation and with those educational institutions receiving federal funding to educate Navajo students to accomplish the following provisions:

A. When planning construction, expansion, consolidation, or closure of any school or school residential unit serving the Navajo Nation, the decision-making entity shall, from the initial stages, consult with the affected school board and school board organizations, the Education Committee of the Navajo Tribal Council, the Navajo Division of Education, affected chapters and local communities and with those students, parents, and staff who use the facility and shall incorporate the desires of these parties into their plans to the greatest extent feasible.

B. The construction, expansion, and renovation of any school facility shall conform to all applicable state, federal, health, and safety regulations and to established safety and building codes, and to laws regarding environmental assessments and environmental impact.

C. In planning for the construction of any new educational facility, consideration shall be given to the development of an appropriate physical environment including but not limited to considerations of location, size, alternate use, and the extent to which the proposed facility will benefit unserved and inappropriately served populations, including students required to travel daily on the bus for an excessive amount of time.

Vocational Education and Career Education

1. The Navajo people have a right to education in basic, technical, employability, managerial, and entrepreneurial skills. The Navajo Tribe shall advocate with federal, state and private sources for adequate funding of vocational and career education programs. The Navajo Tribe shall integrate educational planning with economic planning and development agreements and joint efforts for the sharing of vocational educational costs, facilities and programs. In order to increase the vocational opportunities available to Navajo youth and

adults and to make most efficient use of existing vocational educational resources, the Education Committee and the Labor and Manpower Committee of the Navajo Tribal Council shall coordinate with other entities the development of comprehensive vocational educational planning.

2. Career education shall be integrated into the basic curriculum of all schools, in all appropriate content areas, and at all grade levels.

3. Vocational education programs shall be realistically designed to serve the needs of individuals of secondary school age or older, including those who have academic, socio-economic, cultural, physical, attitudinal or other handicaps, and who need or can profit from such instruction. Vocational education programs should include instruction in basic skills, communication, social interaction, occupationally specific skills and responsibility skills that are required for employment. Vocational education program offerings should be determined on the basis of identified needs, employment statistics, current occupational surveys, and local, state and national labor market demands including the demands of new and emerging occupations. They should reflect the skills needed to develop the Navajo economy.

Vocational Rehabilitation and Opportunities for the Handicapped

1. All Navajo people are entitled to participate fully in the economic, social, cultural and political life of the Navajo Nation without regard to any handicapping condition. All public and private entities within the Navajo Nation shall cooperate with the Navajo Nation Council on the Handicapped in implementing this policy. Every public and private entity within the Navajo Nation shall:

A. recognize handicapped Navajo people as potentially productive members of society;

B. encourage the handicapped Navajo population to reach optimum levels of economic independence, political, and to partcipate in societal and cultural activities;

C. make reasonable accommodation to the special needs of handicapped persons, including the need for site accessibility, in regard to employment, housing, public accommodations, social services, transportation, recreation, educational and training opportunities, and community services and assure the availability of these services on an equitable, non-discriminatory basis.

2. The Navajo Nation Council on the Handicapped is responsible for assuring that all Navajo people have an opportunity to realize their potential to the extent of their physical and mental capabilities. The Council has such powers and responsibilities as are prescribed in its plan of operation and in other applicable Navajo tribal law. The Council shall work with other appropriate tribal governmental entities and with all service providers, public and private, to:

A. establish coordination and joint planning for delivery of services to handicapped Navajos from birth through adulthood as close to home as possible;

B. establish a continuum of appropriate services for all degrees of disability and all stages of the life cycle;

C. eliminate service gaps and avoid duplication of services; and

D. maximize available resources.

Post-Secondary Education

1. The future development of the Navajo Nation depends upon the education and skills of the Navajo people. In exercising its responsibilites in financial assistance and post-secondary program oversight, the Navajo Tribe shall give attention to the social, educational, economic and other developmental needs of the Navajo Nation, as well as to the welfare and personal needs of the individual student.

2. In providing financial assistance to students in post-secondary programs, the Navajo Tribal Higher Education Department shall develop policies and procedures which:

A. provide career guidance to scholarship applicants;

B. foster academic excellence and encourage scholarship recipients to pursue academically rigorous fields of study;

C. encourage Navajo students to remain within their post-secondary educational programs until the completion of their degree and to return and provide service to the Navajo Nation;

D. encourage applicants to choose post-secondary programs which are appropriate to their career needs and to their academic preparation;

E. make appropriate provision for the financial assistance needs of those students pursuing post-secondary vocational programs and for otherwise capable students who require remedial instruction;

F. provide academic scholarships for students with high academic achievement;

G. enable students to prepare, retain and upgrade their skills for new and changing professions and occupations on a full-time or part-time basis;

H. encourage pursuit of graduate level degrees, particularly in fields which support the developmental goals of the Navajo Nation; and

I. provide a range of financial assistance resources including academic scholarships, grants based on need, student loans and privately endowed grants and scholarships.

3. Navajo Tribal financial aid funds should be utilized in combination with state, federal and private resources such as Pell grants, loans, college work study, tuition waivers, endowments, special grants and scholarships and innovative programs, so that adequate financial assistance may be made to as many qualified post-secondary students as possible.

4. An Office of Academic Scholarship shall be established within the Higher Education Department of the Navajo Division of Education. The office shall:

A. establish criteria for and oversee the provision of academic scholarships to students of high academic achievement, without regard to assessed financial need;

B. establish criteria for and oversee the provision of graduate fellowships; and

C. provide for the development and administration of endowed programs of academic scholarships, fellowships and grants.

Post-secondary educational programs which recruit and/or serve students within the Navajo Nation shall be realistically designed to serve the educational needs of Navajo students and shall comply with the laws of the Navajo Nation.

Post-Secondary Education -- The Navajo Community College

1. The Navajo Community College is the officially chartered institution of post-secondary education for the Navajo Nation. It was established by the Navajo Tribal Council pursuant to resolutions CN 95-68 and CJN 60-70. The College is established to provide post-secondary academic, vocational, technical and adult education programs; special and handicapped education programs; and community services in accordance with its plan of operation and other applicable Tribal laws. The College provides instruction leading to certification in Navajo culture, language and other related fields and serves as a training center for educators and other professionals.

2. The College is authorized to develop plans and procedures with other post-secondary institutions for the coordination of post-secondary education programs and courses offered within the Navajo Nation, including upper division and graduate academic and vocational programs, under the oversight and guidance of the Education Committee of the Navajo Tribal Council.

3. The Navajo Tribe shall assist and support The Navajo Community College in the pursuit of its unique and special educational mission.

Adult Education

The Navajo adult population has a right to educational programs that meet their educational needs and aspirations, and that are accessible to them in terms of proximity to home and work, time of day and expense. The Navajo Tribe recognizes the importance of adult education and encourages public and private entities to develop and offer programs of adult education including, but not limited to, adult basic education, pre-GED and GED education, basic vocational education, community education, consumer education, health education, and related adult programs. The Navajo Tribe shall include adult education as a permanent component within its educational planning. All administrative entities within the Navajo Tribal Government with responsibilities for education, training, community health, and related areas shall coordinate to assure that adult education opportunities are afforded to the Navajo population consistent with Navajo tribal laws and policies, and shall seek ways of improving the number, quality and availability of adult educational offerings.

Early Childhood Programs

Parents and persons having custody of Navajo children of pre-school age are encouraged to enroll them in programs of early childhood education. Early childhood programs should employ a comprehensive developmental approach to help children achieve the social competence and pre-academic skills which are associated with positive school performance and healthy psycho-social adjustment. Early childhood programs shall work closely with parents, parent policy boards and local communities in developing and implementing their program plans. Administrative entities within the Navajo Tribal Government with responsibility for education, child development, licensed day care, and related areas shall coordinate to assure that early childhood programs serving Navajo children are competently and compassionately administered in accordance with Navajo tribal laws and policies.

Definitions

Subject to the additional definitions (if any) contained in the subsequent sections of this subchapter, and unless the context otherwise requires, in this subchapter, the following definitions shall apply.

1 "Navajo Nation" includes the Navajo Reservation and the Navajo people as a whole, considered as a distinct cultural, ethnic, geographical and political entity.

2 "Navajo Tribe" means the government of the Navajo Nation, or signifies that some power or attribute of the Tribe as a government is intended.

3 "Culture" means a set of shared patterns of behavior developed by a group of people in response to the requirements of survival. These sets include: established patterns of relationships (interpersonal and kinship); values (behavior, material possessions, individual characteristics, attitudes); language; technology, acquistion and use of knowledge, planning for the future; governing structure; education; economics; and spiritual relationships.

4 "Congruent Curriculum" means a curriculum which is planned, ongoing and systematic; in which goals and objectives are clearly articulated, which brings about a match among (1) what the teacher teaches, (2) what should be taught, and(3) what students actually learn; and which reflects excellence.

5 A "School" is a place or institution for teaching and learning.

6 "Local Schools" are all schools serving kindergarten - 12th grade, or any part of that grade span, located within the Navajo Nation or serving the Navajo Nation. The term shall include bordertown residential facilities operated to facilitate attendance at public schools when the subject matter of a policy statement is applicable to residential facilities and the governing boards or residential facilities. The meaning of local school in regard to tribal school board elections shall be determined by the Navajo tribal laws regarding school board elections, rather than by this section.

7 "Schools within the Navajo Nation" or "Schools located within the Navajo Nation" are those local schools located within the exterior boundaries of the Navajo Nation in areas subject to Tribal jurisdiction; those BIA residential facilities located near the immediate borders of the Navajo Nation and serving primarily Navajo student populations; and those schools operated on contract by authorization of the Navajo Tribe.

8. "Schools serving the Navajo Nation" are all schools within the Navajo Nation and all schools established within the Navajo "Indian Country" for the education of Navajo students or receiving significant funding for the education of Navajo students such as public schools receiving Impact Aid funds.

9. A "Compelling Governmental Purpose" is a purpose which would withstand strict scrutiny in regard to the nature of the governmental interest being advanced, the means chosen to accomplish it, and the impact on the protected privacy interest of parents in choosing an appropriate education for their children.

10. "School Governing Boards" or "Local School Boards" are the governing boards with responsibility for establishing policy and overseeing the operation of a local school.

11. "Cognitive skills" are skills involved in the process of knowing, in the broadest sense, including perception, memory, judgement, analysis, conception, deduction, induction and thinking.

12. "Vocational Education" is a complex of instruction designed to prepare the student to enter into an adult occupation with appropriate academic, occupational and life skills. Vocational education programs should include vocational exploration, vocational core skills development and entry level training.

13. "Career Education" consists of efforts aimed at focusing education and supportive actions of the community in ways that will help individuals acquire and utilize the knowledge, skills and attitudes necessary for each to make work a meaningful, productive and satisfying part of his or her way of living. Career education is not taught as a separate school subject. Rather, it is integrated into all subject areas at all levels, using activities that encourage students to acquire basic skills and make career decisions based upon what they learn about themselves and the world of work.

14. "Early Childhood Programs" are those developmental and educational programs operated for children at the pre-school level. The term can include kindergarten programs that are operated independently of and apart from any local school.

15. "Navajo Preference" means that is the recruitment employment, retention and promotion of personnel, preference, is given to an applicant who is an enrolled member of the Navajo Tribe and who is equally qualified as one or more non-Navajos for a given position. Navajo preference may mean Indian preference where such an interpretation is mandated by applicable state, federal or contract requirements.

16. "Indian Preference" means that preference is given to a Native American applicant who is equally qualified as one or more non-Indian applicants for a given position.

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